

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

JEFFREY HAYDEN,)	
)	
Plaintiff,)	
)	
v.)	No. 2:17-cv-00209-WTL-MJD
)	
DEPARTMENT OF CORRECTIONS,)	
CORIZON HEALTH INC.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

On August 11, 2017, the Court issued an Order to Show Cause, requiring Plaintiff to file proof of service as to Putative Defendant Department of Corrections, dismiss that Defendant, or show cause why that Defendant should not be dismissed for failure of service on or before August 28, 2017. [[Dkt. 14.](#)] Thereafter, Plaintiff's deadline to show cause was extended by the Court for an additional thirty days, to September 27, 2017. [[Dkt. 19.](#)]

To date, Plaintiff has not filed proof of service as to Putative Defendant Department of Corrections, dismissed that Defendant, or shown cause why that Defendant should not be dismissed for failure of service. Consequently, pursuant to Fed. R. Civ. P. 4(m), the Magistrate Judge recommends the Court **DISMISS** Defendant Department of Corrections from this matter without prejudice.

Any objections to the Magistrate Judge's Report and Recommendation shall be filed with the Clerk in accordance with [28 U.S.C. § 636\(b\)\(1\)](#) and [Fed. R. Civ. P. 72\(b\)](#), and failure to timely file objections within fourteen days after service shall constitute a waiver of subsequent review absent a showing of good cause for such failure.

Dated: 28 MAR 2018



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

Distribution:

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